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10/040,770	12/28/2001	Lester J. Chong	10547-0023-999	2129

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PENNIE & EDMONDS LLP
3300 HILLVIEW AVENUE
PALO ALTO, CA 94304

EXAMINER

NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,770

Applicant(s)

CHONG ET AL.

Examiner

George C. Neurauter, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04122002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claims 1-19 are currently presented and have been examined.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 12 April 2002 was filed after the mailing date of the instant application on 28 December 2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-17 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms "arbitrary port number" or "rarely used port number" in claims 13-17 and 19 are relative terms which render the claims indefinite. The terms "arbitrary port number" or "rarely used port number" are not defined by the claim, the specification does not provide a standard for ascertaining the

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requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The claims do not recite how the "rarely used" or "arbitrary" port numbers are selected or determined. Therefore, these claims are indefinite since the claims do not show how a port number can be rarely used and/or be arbitrary in the context of the claimed invention.

In order to avoid piecemeal examination and to give the Applicant a better appreciation for relevant prior art, the Examiner will interpret the "rarely used" or "arbitrary" port number as a port number calculated from another port number. See, e.g., *Ex parte Ionescu*, 222 USPQ 537 (Bd. App. 1984) and MPEP 2173.06.

Claim 19 recites the limitation "a content filtering server, configured to block restricted content based on said filter privilege." It is unclear how the content filtering server is able to block restricted content based on a filter privilege since the claim does not recite how the content filtering server uses the filter privilege in order to determine whether to block restricted content.

In order to avoid piecemeal examination and to give the Applicant a better appreciation for relevant prior art, the Examiner will interpret the claim wherein the content filtering

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server blocks restricted content by obtaining the renumbered request from the gateway. See, e.g., *Ex parte Ionescu*, 222 USPQ 537 (Bd. App. 1984) and MPEP 2173.06.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 11-15, and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication 2003/0055962 to Freund et al.

Regarding claim 1, Freund discloses a method for content filtering, comprising:

receiving a request for content from a client computer, where said request includes a port number assigned to an application program running on said client computer; (paragraph 0147, specifically step 910)

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determining that said port number is a predetermined port number associated with a request for content; (paragraph 0147, specifically step 950)

renumbering said request with a new port number; (paragraph 0149, specifically "...the destination port is set...")

transmitting said request with said new port number to a content filtering server ("sandbox server") that is configured to listen for requests on said new port number; (paragraph 0149, specifically "...reroute this packet to the sandbox server...")

obtaining from said content filtering server an indication of whether said content is restricted based on said request and said new port number. (paragraph 0149, specifically the sentence "Using this information...")

Claim 18 is rejected since claim 18 recites a computer program product that contains substantially the same limitations as recited in claim 1.

Regarding claim 2, Freund discloses the method for content filtering of claim 1, wherein said renumbering comprises:

determining a user of said client computer's filtering privilege and changing said request with said new port number based on said filtering privilege. (paragraph 0149)

Regarding claim 3, Freund discloses the method for content filtering of claim 1, wherein said obtaining further comprises

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receiving said requested content, thereby indicating that said content is not restricted. (paragraph 0149, specifically the paragraph "An alternative approach...")

Regarding claim 4, Freund discloses the method for content filtering of claim 3, further comprising transmitting said content to said client computer. (paragraph 0149, specifically the paragraph "An alternative approach...")

Regarding claim 5, Freund discloses the method for content filtering of claim 1, wherein said obtaining further comprises receiving a notification that said content is blocked. (paragraph 0149, specifically the paragraph "Using this information...")

Regarding claim 6, Freund discloses the method for content filtering of claim 5, further comprising notifying said client computer that said content is blocked. (paragraph 0149, specifically the paragraph "Using this information...")

Regarding claim 11, Freund discloses the method for content filtering of claim 1, further comprising, after said receiving, determining an Internet Protocol (IP) address of said client computer, such that said method for content filtering applies only to a particular client computer. (paragraph 0147)

Regarding claim 12, Freund discloses the method for content filtering of claim 1, wherein said determining further comprises

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ascertaining that said port number is TCP (Transmission Control Protocol) port 80. (paragraph 0148, specifically step 950)

Regarding claim 13, Freund and disclose the method for content filtering of claim 7.

Freund discloses wherein said ascertaining further comprises specifying said new port number to be an arbitrary and rarely used port number. (paragraph 00149, specifically the sentence "Also in step 951...")

Regarding claim 14, Freund discloses a content filtering gateway ("router"), comprising:

a Central Processing Unit (CPU); communications circuitry; and input/output ports; and a memory containing an operating system; (paragraph 0074)

a port sniffer; (paragraph 0147, specifically the sentence "In step 910...")

a database of filtering privileges and associated rarely used port numbers ("router compliance table"); (paragraph 0149) and filtering procedures comprising:

instructions for receiving a request for content from a client computer, where said request includes a port number assigned to an application program running on said client computer; (paragraph 0147, specifically step 910)

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instructions for determining that said port number is a predetermined port number associated with a request for content; (paragraph 0147, specifically step 950)

instructions for renumbering said request with one of said rarely used port numbers; (paragraph 0149, specifically "...the destination port is set...")

instructions for transmitting said request with said one of said rarely used port numbers to a content filtering server that is configured to listen for requests on said new port number; (paragraph 0149, specifically "...reroute this packet to the sandbox server...")

and instructions for obtaining from said content filtering server an indication of whether said content is restricted based on said request and said one of said rarely used port numbers. . (paragraph 0149, specifically the sentence "Using this information...")

Regarding claim 15, Freund discloses the content filtering gateway of claim 14, wherein said memory further comprises a filtering database containing a filtering database of Internet Protocol (IP) addresses and their associated filter privileges. (paragraph 0147)

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Regarding claim 17, Freund discloses the content filtering gateway of claim 14, wherein said memory further comprises authentication procedures ("security module"). (paragraph 0147)

Regarding claim 19, Freund discloses a system for content filtering, comprising:

at least one content server that stores content ("Web site"); (paragraph 0007) (see also Figure 3, element 350)

at least one client computer configured to transmit a request for said content to said at least one content server, where said request contains an address of said content server and a port number associated with said request for said content ("destination IP address" and "destination port"); (paragraph 0007 and 0147)

a gateway coupled to said at least one client computer, where said gateway is configured to receive and renumber said request with a new rarely used port number associated with a filter privilege of a user of said at least one client computer; (paragraph 0149, specifically "...the destination port is set...")

a content filtering server, configured to block restricted content based on said filter privilege ("sandbox server"); (paragraph 0149) and

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a switch coupled to said gateway, said content filtering server, and said at least one content server, where said switch is configured to listen for said request on said rarely used port number and to redirect said request to said content filtering server. ("routing component"; Figure 3, element 313)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a),

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the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 7-10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freund et al in view of "SonicWall SOHO Internet Security Appliance" ("SonicWall").

Regarding claim 7, Freund discloses the method for content filtering of claim 5.

Freund does not expressly disclose the method further comprising:

receiving login details from said client computer;
authenticating a user of said client computer based on said login details; determining said user's filter privileges based on said login details; ascertaining an additional port number based on said filter privileges; renumbering said request with said additional port number; transmitting said request with said additional port number to a content filtering server that is

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configured to listen for requests on said additional port number; and acquiring from said content filtering server an indication of whether said content is restricted based on said request and said additional port number, however, Freund does disclose determining said user's filter privileges; ascertaining an additional port number based on said filter privileges; renumbering said request with said additional port number; transmitting said request with said additional port number to a content filtering server that is configured to listen for requests on said additional port number; and acquiring from said content filtering server an indication of whether said content is restricted based on said request and said additional port number as shown above regarding claim 5.

"SonicWall" discloses receiving login details from a client computer; authenticating a user of the client computer based on the login details; and determining a user's filter privileges based on the login details. (pages 99-101, "User Authentication", specifically "Establishing an Authenticated Session")

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of these references since "SonicWall" discloses that authenticating a user and determining a user's filter privileges

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based on login details enables a user to bypass the content filter (page 99, "User Authentication", first paragraph). In view of these specific advantages and that the references are directed to using an intermediary device in a content filtering system that determines filtering privileges, one of ordinary skill would have been motivated to combine these references and would have considered them to be analogous to one another based on their related fields of endeavor, which would lead one of ordinary skill to reasonably expect a successful combination of the teachings.

Regarding claim 8, Freund and "SonicWall" disclose the method for content filtering of claim 7.

Freund discloses wherein said acquiring further comprises receiving said requested content indicating that said content is not restricted. (paragraph 0149, specifically the paragraph "An alternative approach...")

Regarding claim 9, Freund and "SonicWall" disclose the method for content filtering of claim 7.

Freund discloses wherein said acquiring further comprises receiving a notification that said content is blocked. (paragraph 0149, specifically the paragraph "Using this information...")

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Regarding claim 10, Freund and "SonicWall" disclose the method for content filtering of claim 7.

Freund does not expressly disclose the method further comprising associating said login details with an Internet Protocol (IP) address of said client computer, such that said method for content filtering applies only to a particular client computer, however, Freund does disclose determining an Internet Protocol (IP) address of said client computer, such that said method for content filtering applies only to a particular client computer. (paragraph 0147)

Freund and "SonicWall" do not expressly disclose associating said login details with an Internet Protocol (IP) address of said client computer, such that said method for content filtering applies only to a particular client computer, however, Freund does disclose determining an Internet Protocol (IP) address of said client computer, such that said method for content filtering applies only to a particular client computer. (paragraph 0147). "SonicWall" also discloses wherein the login details are used such that the method for content filtering applies only to a particular client computer (pages 99-101, "User Authentication", subsection "Establishing an Authenticated Session").

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Freund and "SonicWall" since the references suggest that a user uses a client computer that contains an IP address in order to send a request and that the IP address of the client computer is used to filter content (paragraph 0147 of Freund) (page 96, "Source"). In view of these suggestions and teachings shown above, one of ordinary skill would have found it obvious to modify the references so that the login details of the user using the client computer are associated together since, in order for the teachings of "SonicWall" to operate, the user must login from a client computer. The authorized user is bound to a particular client computer at the time of authentication, therefore, one of ordinary skill in the art would recognize that, in order for the user to be authenticated, the user must be associated with a particular client computer.

Regarding claim 16, Freund discloses the content filtering gateway of claim 14.

Freund does not expressly disclose wherein said memory further comprises a user database containing login details for multiple users and each user's associated filter privilege, however, "SonicWall" does disclose this limitation ("user list"; see pages 99-100)

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Claim 16 is rejected since the motivations regarding the obviousness of claim 7 also apply to claim 16.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art other than those relied upon listed in the PTO-892 form included with this Office Action teaches the state of the art in content filtering systems and methods and intermediary devices within the context of network systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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gcn



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100